IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Kyle N. Patrick	:
	: Before the Examiner:
Serial No: 10/671,059	: Michael E. Keefer
	:
Filed: 09/25/2003	: Group Art Unit: 2112
	:
Title: METHOD AND COMPUTER	: Confirmation No.: 5839
PRODUCT FOR IDENTIFYING AND	:
SELECTING POTENTIAL E-MAIL	:
REPLY RECIPIENTS FROM A	:
MULTI-PARTY E-MAIL	:

APPELLANTS' REPLY BRIEF UNDER 37 CFR §41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

    This is a Reply to the Examiner's Answer dated December 12, 2007 in accordance with 37 CFR §41.41.

CA920020057US1

RESPONSE TO EXAMINER'S ARGUMENTS

In regard to Claim 6, the Examiner stated in the RESPONSE TO ARGUMENT section of the Answer Brief that:

> Appellant argues that Birrell does not teach performing the step of parsing an e-mail message for e-mail addresses of previous senders and recipients as soon as the e-mail message is received.

> As stated in the above rejection of claim 6 over Birrell, in Col. 7, lines 23-24 state that newly received messages are processed in batches as they are received. This means that as soon as it is received, the message is placed in a batch to be parsed by the parsing algorithm as described in the paragraph between lines 45-54 in col. 7.

> Additionally, the Examiner notes that Appellant did not appeal the rejections of Claims 16 and 26 under 35 U.S.C. 102(b) over Birrell, which contain essentially the same subject matter as claim 6, admitting the propriety of those rejections.

Firstly, Appellants note that the Examiner made the same admission argument regarding the unpatentability of Claims 8 – 10 because of the failure of Appellants to appeal the 102 rejection of Claims 18 - 20 and 28 – 30 as the Examiner made regarding the unpatentability of Claim 6 for failure of Appellants to appeal Claims 16 and 26. Appellants would like to point out that those claims (i.e., Claims 16, 18 – 20, 26 and 28 – 30) were not appealed not because Appellants thought they were anticipated by the respective applied reference (i.e., Birrell et al. and Ullmann et al.) but rather because they are also under a 35 U.S.C. §101 rejection. Otherwise, they too would have been appealed just as in the case of Claims 6 and 8 - 10.

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Secondly, Birrell et al. disclose that messages are stored in message files and in a full-text index (see col. 6, lines 49 and 50). The full-text index allows for the retrieval of messages through full-text queries (see col. 9, lines 40 and 41). In the passage cited by the Examiner (i.e., col. 7, lines 23 – 24 and 45 - 54), Birell et al. disclose how a full-text index 500 is generated. Specifically, Birrell et al. disclose that newly received mail messages are processed in batches 403-404 into individual words 510 and each word in the messages is arbitrarily assigned a sequential location number 520 (see col. 7, lines 22 – 62). Then, the words and their assigned locations are stored.

But, Birrell et al. do not teach **parsing a received e-mail message for e-mail addresses of the previous senders and recipients <u>to form a list of e-mail addresses</u>** upon receiving the e-mail message as stated in Claim 6.

Thus, Appellants submit that the claim is not anticipated by Birrell et al. and kindly request reversal of the rejection.

Respectfully Submitted

By: _____

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969